



Agenda Date:

Agenda Item:

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF MONMOUTH, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE TOWNSHIP OF)
MARLBORO, COUNTY OF MONMOUTH,)
STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE00020109

Schenck, Price, Smith & King, Morristown, New Jersey, by Sidney A. Sayovitz, Esq., for the Petitioner.

Township Clerk, Township of Marlboro, New Jersey, by Alida DeGaeta for the Township.

BY THE BOARD:

On September 19, 1983, the Board granted Monmouth Cablevision Associates a Certificate of Approval in Docket No. 801C-6632 for the construction, operation and maintenance of a cable television system in the Township of Marlboro ("Township"). The Board subsequently amended that order on November 7, 1983. On May 17, 1994, the Board approved the sale of Monmouth Cablevision Associates to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. The Petitioner's Certificate expired on November 7, 1998, however, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on September 30, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance on October 14, 1999, granting renewal consent to the Petitioner. The Petitioner formally accepted the terms and conditions of the ordinance on October 25, 1999, in accordance with N.J.S.A. 48:5A-24.

On February 4, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.

2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds the duration to be reasonable.
5. The Township has reserved the right to conduct a formal review of the franchise commitments by the Township Council upon the five year anniversary. The review, which shall commence upon notification to the Petitioner by the Township, shall afford the Petitioner the opportunity to respond to all inquiries, participate in all proceedings and shall conclude no later than six months after the five year anniversary date. If during the course of the proceedings the Township finds the provisions of the ordinance are not satisfied, the Township may petition the Board to commence revocation proceedings in conformance with applicable statutes and regulations.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 20.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance must specify a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
9. The Petitioner will maintain a local business office or agent, the actual site of which shall be as close as possible to the municipal boundary of the Township, for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 4340 Highway #9, in Freehold Township.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner has agreed to implement a senior citizens/disabled discount for persons meeting the eligibility requirements pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20, in the amount of 25% of the monthly basic service rate.
12. The Petitioner will provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. The Petitioner shall wire the municipal building and the recreation building. The Petitioner shall provide a fully

operational studio at the municipal building, located at 1979 Township Drive, or other designated area at the municipal complex, which will be equipped with cameras and ancillary equipment needed for taped and live studio cablecasting. The Petitioner shall also provide the Township with the capability of live programming from the recreation building. The Petitioner shall also provide training pursuant to the ordinance. In no event shall the Petitioner provide less than 30 hours of annual training, if requested by the Township.

13. Upon request, the Petitioner shall provide one channel for PEG access purposes. The Petitioner shall also provide up to an additional two channels for PEG access purposes, upon 120 days advance written notice from the Township. The provision of additional PEG channels shall be based on the usage requirements as stated in the ordinance.
14. The Petitioner committed to complete an upgrade of the system by December 31, 1999, capable of carrying 110 channels. The Office of Cable Television has confirmed the system was rebuilt to 750 MHz capacity.
15. The Petitioner shall provide, at no charge, the installation and basic monthly service to the public library; each school, public or private; and all public buildings within the Township. The Petitioner shall provide the installation of up to 10 outlets and basic monthly service to each of the Township's schools as part of the "Cable in the Classroom Program".
16. Upon the request of the Township, the Petitioner and the Township's designees shall meet to review all matters relating to cable television in the Township.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be

adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire November 7, 2008.

DATED:

BOARD OF PUBLIC UTILITIES
BY:

HERBERT H. TATE
PRESIDENT

CARMEN J. ARMENTI
COMMISSIONER

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

FRANCES L. SMITH
SECRETARY